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DATE: July 28, 2005

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PHONE NUMBER:

FROM: Douglas A. Collier

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RE: Response to Final Office Action and Second Advisory Action, Serial No. 10/790,329

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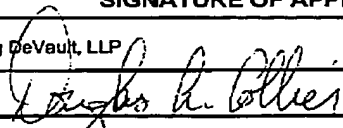
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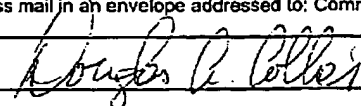
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|   |                        |                    |
|---|------------------------|--------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10790,329          |
|   | Filing Date            | March 1, 2004      |
|   | First Named Inventor   | Kevin T. Foley     |
|   | Art Unit               | 3738               |
|   | Examiner Name          | Thomas Sweet       |
| Total Number of Pages in This Submission  | Attorney Docket Number | 4002-3486/PC746.02 |

| ENCLOSURES (Check all that apply)   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                  | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                                |
| <input checked="" type="checkbox"/> Fee Attached                          | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences         |
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| <input checked="" type="checkbox"/> After Final                           | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input checked="" type="checkbox"/> Extension of Time Request             | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>PTO 2038 |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | Krieg DeVault, LLP  |          |        |
| Signature                                  |  |          |        |
| Printed name                               | Douglas A. Collier  |          |        |
| Date                                       | July 28, 2005   | Reg. No. | 43,556 |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |               |
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| Signature   |  |      |               |
| Typed or printed name   | Douglas A. Collier  | Date | July 28, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|   |  |  |  |
|---|--|--|--|
| Effective on 12/08/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).<br><b>FEE TRANSMITTAL</b><br><b>For FY 2005</b> |  | <b>Complete if Known</b><br>Application Number 10/790,329<br>Filing Date March 1, 2004<br>First Named Inventor Kevin T. Foley<br>Examiner Name Thomas Sweet<br>Art Unit 3738<br>Attorney Docket No. 4002-3486/PC746.02 |  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27  |  |  |  |
| TOTAL AMOUNT OF PAYMENT (\$) 120.00   |  |  |  |

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 12-2424 Deposit Account Name: Krieg DeVault Lundy  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description  | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)                                | 50       | 25                    |
| Each independent claim over 3 (including Reissues)                     | 200      | 100                   |
| Multiple dependent claims  | 360      | 180                   |
| <b>Total Claims</b>  |          |                       |
| - 20 or HP =   | x        | =                     |
| HP = highest number of total claims paid for, if greater than 20.      |          |                       |
| <b>Indep. Claims</b>   |          |                       |
| - 3 or HP =  | x        | =                     |
| HP = highest number of independent claims paid for, if greater than 3. |          |                       |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fees Paid (\$) |
|--------------|--------------|--|----------|----------------|
| - 100 =      | / 50 =       | (round up to a whole number) x                   | =        |                |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): One Month Extension of Time

Fees Paid (\$)

120.00

|                   |                           |                         |                    |
|-------------------|---------------------------|-------------------------|--------------------|
| SUBMITTED BY      |                           | Registration No.        | Telephone          |
| Signature         | <i>Douglas A. Collier</i> | (Attorney/Agent) 43,556 | 317-636-4341       |
| Name (Print/Type) | Douglas A. Collier        |                         | Date July 28, 2005 |

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